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13134-PCT-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bayliffe, et al.

Serial No.: 10/089,001

International Application No.: PCT/GB00/03597

Date Filed: March 22, 2002

International Filing Date: 19 September 2000

International Priority Date: 24 September, 2000

Title: "ASSAY"

Customer No.: 23719

PATENT TRADEMARK OFFICE

Kalow & Springut LLP  
488 Madison Avenue, 19th Floor  
New York, New York 10022  
(212) 813-1600Commissioner for Patents  
Box PCT  
Washington, DC 20231

February 20, 2003

Dear Sir:

**SUPPLEMENTAL SUBMISSION OF DECLARATION AND POWER OF ATTORNEY  
IN REPLY TO NOTICE OF MISSING PARTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Sir:

This is a submission of the Declaration and Power of Attorney of Inventor Andrew Bayliffe, signed and executed February 20, 2003. It has come to Applicants' attention that the transmittal letter for the reply that was submitted on January 6, 2003, did not contain the executed declaration of inventor Andrew Bayliffe. In order to ensure that the reply is matched

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby declare that this correspondence is being deposited with the United States Postal Service as Express Mail Label No.: EV035748709 US in an envelope addressed to: Commissioner for Patents, Box PCT, Washington D.C. 20231.

*February 20, 2003*  
February 20, 2003

*Sylvia Gonzalez*  
Sylvia Gonzalez

Applicants: Bayliffe et al  
International Application No.: PCT/BG00/03597  
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Page -2- (Notification of Missing Requirements under 35 U.S.C. 371)  
**13134-PCT-US**

with the application, Applicants hereby re-submit the Declaration and Power of Attorney with this transmittal form.

If any additional fees are due, or an overpayment has been made, please charge or credit Deposit Account No. 11-0171 for such sum accordingly.

If there are any questions or comments relating to this request, the Examiner is respectfully invited to contact Applicants' attorney at the telephone number set forth below.

Respectfully submitted,



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William D. Schmidt  
Registration No.: 39,492  
Attorney for Applicants

Kalow & Springut LLP  
(212) 813-1600

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**DECLARATION AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter, which is claimed and for which a patent is sought on the invention entitled:

**'ASSAY'**

the specification of which  
(check one)

\_\_\_\_\_ is attached hereto

X was filed on March 22, 2002 as

Application Serial No. 10/089,001

and was amended on \_\_\_\_\_ (if applicable)  
and

X described and claimed in PCT International Application No. PCT/GB00/03597 filed on  
September 19, 2000.

and was amended on \_\_\_\_\_ under PCT Article 19 (if applicable),

(the undersigned hereby authorizes its attorney to amend this document to insert the filing date and application serial number when they become known.)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information of which I am aware which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119(a)-(d) or Section 365 of any foreign application(s) for patent, inventor=s certificate, or any PCT international application(s) which designated at least one country other than the United States of America, identified below and have also identified below any foreign application(s) for patent, inventor=s certificate, or any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application(s) on which priority is claimed:

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## Prior Foreign Application(s)

|               |                         |                    | Priority Claimed |           |
|---------------|-------------------------|--------------------|------------------|-----------|
| <u>Number</u> | <u>Country (or PCT)</u> | <u>Filing Date</u> | <u>Yes</u>       | <u>No</u> |
| 9922527.8     | GB                      | 24 September 1999  | X                |           |
|               |                         |                    |                  |           |

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

| <u>Provisional Application No.</u> | <u>Filing Date</u> |
|------------------------------------|--------------------|
|                                    |                    |
|                                    |                    |

I hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s), or any PCT international application(s) designating the United States of America, that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability, as defined in 37 CFR 1.56, which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| <u>Application Serial No.</u> | <u>Filing Date</u>       | <u>Status</u><br>(Patented, pending, or abandoned) |
|-------------------------------|--------------------------|--|
| <u>PCT/GB00/03597</u>         | <u>19 September 2000</u> | <u>pending</u>                                     |

And I hereby appoint

| <u>Name</u>        | <u>Reg. No.</u> | <u>Name</u>          | <u>Reg. No.</u> |
|--------------------|-----------------|----------------------|-----------------|
| David A. Kalow     | 29,397          | Milton Springut      | 27,721          |
| John J. Santalone  | 32,794          | J. David Ellett, Jr. | 27,875          |
| William D. Schmidt | 39,492          | Gary Molnar          | 30,299          |
| Sylvia Chiou-Tan   | 47,324          | Scott D. Locke       | 44,877          |
| Tor Smeland        | 43,131          |                      |                 |

each of them of KALOW & SPRINGUT LLP, 488 Madison Avenue, 19<sup>th</sup> floor, New York, New York 10022, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to

David A. Kalow  
KALOW & SPRINGUT LLP  
488 Madison Avenue, 19<sup>th</sup> Floor  
New York, New York 10022.  
(212) 813-1600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

*AD*  
Full name of sole or first inventor: Andrew Bayliffe

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Date of signature 20 - 2 - 03

Inventor's signature *A. Bayliffe*

*ED*  
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Citizenship: Netherland

Residence Address: SK 10 4 TG

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Date of signature 6. 01. 03

Inventor's signature *Eelco Docter*

30  
Full name of third inventor: Stephen James Kelly

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Date of signature 6th Jan 2003

Inventor's signature Stephen J. Kelly

40  
Full name of fourth inventor: Nanoy Hastings Robertson

Citizenship: Great Britain

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Date of signature 13th Jan 2003

Inventor's signature Nanoy H. Robertson